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*Attorneys for Defendants and Counterclaim-Plaintiffs  
Mylan Pharmaceuticals Inc. and Mylan Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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NOVARTIS AG and  
NOVARTIS PHARMACEUTICALS  
CORPORATION,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS INC. and  
MYLAN INC.,

Defendants.

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) **Civil Action No. 2:09-cv-3604-PGS-ES**  
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**DECLARATION OF ANDREW J. KOZUSKO, III  
IN SUPPORT OF STIPULATED DISCOVERY CONFIDENTIALITY ORDER**

I, Andrew J. Kozusko, III, Esq., do declare and state as follows:

1. I am employed by Mylan Inc. as Litigation Counsel. I submit this Declaration in support of the entry of a Stipulated Discovery Confidentiality Order in the above matter on behalf of both Mylan Inc. and its wholly-owned subsidiary Mylan Pharmaceuticals Inc. (collectively "Mylan"). As part of my duties, I supervise the above-captioned litigation on behalf of Mylan.

2. I have personal knowledge of the facts set forth in this Declaration or believe such facts to be true based upon information provided by knowledgeable persons who work with me at Mylan and upon review of records kept in the ordinary course of business.

3. This case concerns a patent dispute between Novartis AG and Novartis Pharmaceuticals Corporation (collectively "Novartis") and Mylan. Mylan has filed an Abbreviated New Drug Application seeking FDA approval to produce and market 180 and 360 mg mycophenolic acid delayed-release tablets.

4. Mylan has spent substantial amounts of time and money developing and maintaining trade secrets, as well as internal financial, technical, research, development, and proprietary commercial information.

5. Mylan's trade secrets and its internal financial, technical, research, development, and proprietary commercial information are highly confidential. Examples of such confidential and proprietary include information relating to Mylan's pharmaceutical product information, pharmaceutical formulations, and the development of such formulations. All such Mylan confidential and proprietary information is maintained as such by Mylan. Mylan's development and maintenance of its trade secrets and of its internal technical, research, development, and proprietary commercial information is ongoing.

6. During the course of this proceeding, Mylan may disclose or produce information and/or documents disclosing and/or relating to Mylan's trade secrets, internal financial, technical, research, development, and/or proprietary commercial information that are highly confidential.

7. The discovery in this case includes several areas of sensitive nature, such as the parties' research and development efforts and commercial information. It is my understanding that the documents

and deposition testimony concerning these subjects contain trade secrets or other confidential research, development, or commercial information.


8. If Mylan's trade secrets or its internal financial, technical, research, development, and/or proprietary commercial information become available to the public, Mylan would suffer serious commercial injury.

9. In addition to the serious commercial injury to Mylan that would be occasioned by an unprotected public disclosure of its highly confidential and proprietary commercial information, such disclosure also would pose a substantial risk of harm to the parties' respective competitive positions. The pharmaceutical industry is highly competitive and disclosure of Mylan's highly confidential and proprietary commercial information could adversely affect and seriously damage Mylan's competitive position in the marketplace.

10. Accordingly, it is respectfully requested that the Court enter the proposed Stipulated Discovery Confidentiality Order submitted concurrently herewith.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 23 March 2010



Andrew J. Kozusko, III